

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Repealer)

703 KAR 5:191. Repeal of 703 KAR 5:190 and 703 KAR 5:260.

RELATES TO: KRS 158.6453, 158.6455, 158.782, 160.346

STATUTORY AUTHORITY: KRS 156.029(7), 156.070(5), 158.6453, 158.6455, 158.782, 160.346, 20 U.S.C. 6311

NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.346 no longer requires the use of the four intervention options that were required under the federal No Child Left Behind Act. 703 KAR 5:260 is no longer in alignment with the federal law, which was reauthorized under the Every Student Succeeds Act (ESSA), 20 U.S.C. 6311. KRS 158.782 no longer requires the Kentucky Board of Education to promulgate administrative regulations to set forth the criteria for highly skilled education assistance to schools. 703 KAR 5:190 established the program requirements for the highly skilled education assistance program formerly required by KRS 158.148. This administrative regulation repeals 703 KAR 5:260 and 703 KAR 5:190, however, all relevant pieces of the school improvement framework as required under the ESSA, are re-located to 703 KAR 5:280, School improvement procedures.

Section 1. The following administrative regulations are hereby repealed:

- (1) 703 KAR 5:260, Implementation of intervention options in priority schools and districts; and
- (2) 703 KAR 5:190, Assistance to low-achieving schools.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

STEPHEN L. PRUITT, Ph.D.

MARY GWEN WHEELER, Chairperson

APPROVED BY AGENCY: February 14, 2018

FILED WITH LRC: February 14, 2018 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2018, at 10:00 am, in the State Board Room, Fifth Floor, Sower Building, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcom-

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals administrative regulation 703 KAR 5:260, which established the requirements for the implementation of intervention options (which were outlined in No Child Left Behind) in priority schools and districts. This repeals administrative regulation 703 KAR 5:190, which established the requirements for the highly skilled education assistance program.

(b) The necessity of this administrative regulation: The repeal of 703 KAR 5:260 and 703 KAR 5:190 is necessary to fully align the current regulatory framework with the changes made to the Kentucky school improvement program required under the federal Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 160.346 no longer outlines the specific intervention options provided in 703 KAR 5:260. This regulation also no longer aligns with the Every Student Succeeds Act and Kentucky's State Plan as submitted to the United States Department of Education. KRS 158.782 no longer specifically grants authority for 703 KAR 5:190.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of 703 KAR 5:260 and 703 KAR 5:190 is necessary to fully align the current regulatory framework with the changes made to the Kentucky school improvement program required under the federal Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This will repeal 703 KAR 5:190 and 703 KAR 5:260.

(b) The necessity of the amendment to this administrative regulation: The repeal of 703 KAR 5:260 and 703 KAR 5:190 is necessary to fully align the current regulatory framework with the changes made to the Kentucky school improvement program required under the federal Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

(c) How the amendment conforms to the content of the authorizing statute: The repeal of 703 KAR 5:260 and 703 KAR 5:190 is necessary to fully align the current regulatory framework with the changes made to the Kentucky school improvement program required under the federal Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

(d) How the amendment will assist in the effective administration of the statutes: The repeal of 703 KAR 5:260 and 703 KAR 5:190 is necessary to fully align the current regulatory framework with the changes made to the Kentucky school improvement program required under the federal Every Student Succeeds Act (ESSA) and Senate Bill 1 (2017).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this repeal include all local school districts and the KDE.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities in (3) will no

longer have to comply with 703 KAR 5:190 and 703 KAR 5:260.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost anticipated as a result of this repeal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No benefits will accrue as a result of this repeal.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost is anticipated as this is a repeal.

(b) On a continuing basis: No cost is anticipated as this is a repeal.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is necessary as this is a repeal.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This repeal does not establish or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate because the impact of the repeal is on all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All schools and districts and the KDE.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.029(7), 156.070(5), 158.6453, 158.6455, 158.782, 160.346, 20 U.S.C. 6311

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No effect

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue

(c) How much will it cost to administer this program for the first year? No cost anticipated to administer this repeal.

(d) How much will it cost to administer this program for subsequent years? No cost anticipated to administer this repeal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A